

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FLOYD HOBBS, JR. and
CYNTHIA BEVINGTON

PLAINTIFFS

v.

CIVIL ACTION NO. 3:09cv009-SA-DAS

LEGG MASON INVESTMENT COUNSEL & TRUST CO., N.A.

DEFENDANT

**LEGG MASON'S RESPONSE OPPOSING
PLAINTIFFS' MOTION FOR ORAL ARGUMENT**

Legg Mason opposes Plaintiffs' Motion for Oral Argument [97] for the reasons set forth in Legg Mason's response [98] opposing the motion for reconsideration. Further, at the time the Court issued its Order and Opinion, the Court had the benefit of 63 pages of memoranda on the Motion for Partial Summary Judgment alone, not to mention the motion itself, the response, or the two motions and briefs to exclude expert testimony. Now, the Court has additional briefing on reconsideration. It is hard to imagine that oral argument would allow the parties, as Plaintiffs suggest, "to more fully argue their positions." Likely, the Court would not be further enlightened on the factual details or the law, which on these issues tend to reveal themselves better upon study of the written word. If the Court needs a point addressed, however, counsel can provide short memoranda.

Respectfully submitted, this 12th day of January, 2011.

LEGG MASON INVESTMENT COUNSEL &
TRUST CO., N.A.

By: /s/ J. Stevenson Ray
J. STEVENSON RAY (Miss. Bar No. 4649)
601-985-4520
Steve.ray@butlersnow.com

KYLE V. MILLER (Miss. Bar No. 102227)
601-985-4514
Kyle.miller@butlersnow.com
ITS ATTORNEYS

OF COUNSEL:

BUTLER, SNOW, O'MARA, STEVENS
& CANNADA, PLLC
1020 Highland Colony Parkway, Suite 1400
Post Office Box 6010
Ridgeland, Mississippi 39158-6010
(601) 948-5711

CERTIFICATE OF SERVICE

The undersigned, one of the attorneys for Defendant Legg Mason Investment Counsel & Trust Co., N.A., does hereby certify that he has this date filed the foregoing instrument with the Clerk of the Court using the Case Management/Electronic Case Files system which sent notification of such filing to the following:

Mr. S. Kirk Milam (kmilam@hickmanlaw.com)
Mr. S. Duke Goza (sarav@hickmanlaw.com)
P. O. Drawer 668
Oxford, Mississippi 38655

ATTORNEYS FOR PLAINTIFFS

This the 12th day of January, 2011.

/s/ J. Stevenson Ray
J. Stevenson Ray

Jackson 5986429v1